

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BRIAN COLLISTER,
Plaintiff

v.

TEGNA INC., et. al.,
Defendants

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No. 1:21-CV-1112-LY

ORDER

Before the Court is Plaintiff Brian Collister's Application to Proceed *In Forma Pauperis* and Financial Affidavit in Support and Complaint, *See* Dkt. 2. The Magistrate Court has reviewed Collister's financial affidavit and determined that he is indigent and should be granted leave to proceed *in forma pauperis*, without prepayment of fees.

Accordingly, the Magistrate Court hereby **ORDERS** Collister's request to proceed *in forma pauperis*, Dkt. 2, is **GRANTED**. The Clerk of the Court shall file Collister's complaint without prepayment of fees or costs or giving security therefor pursuant to 28 U.S.C. § 1915(a). This indigent status is granted subject to a later determination the action should be dismissed if the allegation of poverty is untrue or the action is found frivolous or malicious pursuant to 28 U.S.C. § 1915(e). Collister is further advised, although he has been granted leave to proceed *in forma pauperis*, a court may, in its discretion, impose costs of court at the conclusion of this lawsuit, as in other cases. *See Moore v. McDonald*, 30 F.3d 616, 621 (5th Cir. 1994).

The Magistrate Court **FURTHER ORDERS** the Clerk of the Court shall issue summons and the United States Marshal is ordered to commence service of process, including service of Collister's complaint upon the named defendants under Rules 4 and 5 of the Federal Rules of Civil Procedure.

Because Collister has been granted leave to proceed *in forma pauperis*, the Court is required by standing order to review his Complaint under § 1915(e)(2). After reviewing Collister's Complaint, the Court has determined that this case should not be dismissed as frivolous at this time. However, the Court cautions Collister that the Court may make a determination in the future that the action should be dismissed because the allegation of poverty is untrue or the action is frivolous or malicious pursuant to 28 U.S.C. § 1915(e). Collister is further advised that, although he has been granted leave to proceed *in forma pauperis*, the Court may, in its discretion, impose costs of court against him at the conclusion of this lawsuit, as in other cases. *See Moore v. McDonald*, 30 F.3d 616, 621 (5th Cir. 1994).

The Magistrate Court **FINALLY ORDERS** Collister's request for permission to file electronically in this matter, Dkt. 3, is **GRANTED**. Collister is instructed to review the court's Administrative Policies and Procedures for Electronic Filing, and is reminded that under Section 6(h) of those Policies and Procedures, "if it is determined by the Court that the Filing User is abusing the privilege to electronically file documents or is consistently error prone in electronic filing, the Filing User's registration may be rescinded."

SIGNED December 21, 2021.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATGE JUDGE